THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION NO.24278 OF 2005

Dated : 20th December, 2005.

Between:

Katragadda Nagamalleswara Rao @ Babu

… Petitioner

And

1. The Commissioner of Police, Vijayawada

City, Krishna District.

2. The Additional Director General of Police

(Intelligence), Lakdi-ka-pool, Hyderabad. … Respondents

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WRIT PETITION No.24278 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the action of the first respondent – Commissioner of Police, Vijayawada City, Krishna District in withdrawing the security cover to the petitioner vide Memo dated 11-6-2005 as arbitrary and illegal.

The petitioner claims to be a senior leader of a political party in the State. It is stated that due to changed political scenario in the State, there was threat to his life and there was an attempt on his life on 26-8-2004 at his house in Vijayawada, on the basis of which, a case vide Crime No.337 of 2004 was registered under Section 307 read with Section 34 of the Indian Penal Code in Krishna Lanka P.S., Vijayawada city. In view of the imminent threat to his life, the petitioner requested to provide security cover to him and in pursuance of the same the first respondent provided security to him with 1+1 Gunmen from October, 2004 on payment of Rs.13,188/- per month. Subsequently, the petitioner requested the respondents to enhance the security from existing 1+1 Gunmen to 2+2 P.S.Os. However, in stead of enhancing the security, the first respondent vide Memo dated 11-6-2005 has withdrawn the existing security with effect from 15-6-2005 on the ground that in the latest review of threat perception, it was found that there was no threat to his life, and therefore, it is not necessary to provide the security cover. Subsequently, the petitioner made an application on 10-8-2005 seeking restoration of the existing security to him. However, the respondents failed to consider the same. Hence, this writ petition.

The petitioner states that due to inaction on the part of the respondents, the criminal activities have been increased and he suspects threat and danger to his life. The petitioner states that on 22-10-2005 he was attacked by one of the criminal gangs and having noticed the same, Anti Goonda Squad Police registered a case in Cr.No.211 of 2005 of Suryaraopet P.S. *suo motu*. The petitioner also points out that even from the counters filed by the prosecution in Crl.M.P.No.1626 of 2005 opposing the bail application filed by the accused in Crime No.211/2005, it is clear that there is imminent danger and threat to his life. In the circumstances, the petitioner pleads that he requires minimum 3+3 security free of cost.

On the other hand, the respondents in their counter-affidavit pleaded that the petitioner is a habitual offender and in view of his criminal background, he is not entitled for any security as per Para 6 of G.O.Rt.No.655, Home (SC-B) Department, dated 13-3-1997. It is stated that the police are taking all possible measures to

neutralize the threat from his rivals and that due to effective steps taken by the police the bail petitions of the accused were dismissed and it appears that there is no threat to the life of the petitioner from his rivals and therefore there is no need to provide any security to the petitioner.

The petitioner filed an affidavit in reply disputing the version of the respondents and asserting that there is imminent threat to his life.

It is relevant to note that in the counter filed by the prosecution in Crl.M.P.No.1626 of 2005 on 2-11-2005 it is categorically stated that there were attempts on the life of the petitioner. Having regard to the material on record, I am of the opinion that the plea of the petitioner that there is imminent threat to his life cannot be ignored and that it is necessary to review the threat perception afresh on the basis of the subsequent events and to re-consider the request of the petitioner to provide security to his life.

The impugned order is therefore set aside and the respondents are directed to review the threat perception in respect of the life of the petitioner and taking into consideration the subsequent events and attempts made on his life, appropriate orders shall be passed in accordance with law as expeditiously as possible preferably within a period of three weeks from the date of receipt of this order. In the meanwhile, it is open to the petitioner to make an application before the first respondent to provide immediate security to him on payment of costs in which event the first respondent shall consider the same and provide security following due process of law.

Accordingly, the Writ Petition is disposed of. No costs.

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G. ROHINI, J.

Dt. 20-12-2005

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